IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

Crl.Rev.Pet.No. 1052 of 1999()

CRA.126/1993 of SESSIONS COURT, MANJERI
CC.599/1991 of JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM

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REVN. PETITIONER:

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1. THIRUKAN CHOOLAN, S/O. KUTTI NAGAN,
   PERUVLLUR VILLAGE, TIRUR TALUK,
   MALAPPURAM DISTRICT.

2. THIRUKAN VELAYUDHAN, S/O. KUTTI NAGAN,
   PERUVALLUR VILLAGE, TIRUR TALUK,
   MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE, THENHIPALAM
   POLICE STATION, MALAPPURAM DISTRICT

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.P. NO. 4844/1999 IN CRL. R.P. NO. 1052/1999

DISMISSED

30.03.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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CRL. R.P. NO. 1052 OF 1999

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Dated this the 30th day of March 2007

O R D E R

The revision petitioners stand convicted and sentenced, as modified by the appellate court, to pay a fine of Rs.5,000/- each for the offence under Section 452 r/w Section 34 of the Indian Penal Code and in default to undergo simple imprisonment for three months and to pay a fine of Rs.500 each for the offence under section 323 r/w Section 34 IPC and in default to undergo simple imprisonment for one month each. Out of the fine amount, Rs.3,000/- is to be paid to PWs 1 and 2 vide section 357 (3) Cr.P.C.

2. The prosecution case is that on 23.11.1991 at 7 p.m. in furtherance of the common intention to attack CW1 they tresspassed into the house of PW1 and A1 beat CW1 with a stick and dragged him to the court yard and A2 stamped on his lower abdomen. Hearing the cries of PW2, the daughter came to the scene and A2 beat her with a stick and A1 intimidated CW1 with danger to his life.

3. The evidence adduced in the matter consisted of the testimony of PWs 1 to 10, Exts. P1 to P6 and MOs 1 and 2. PWs 1 and 2, the injured witnesses and PWs 3 and 4 the occurrence witnesses have deposed as to the incident. PW5, the doctor have proved Exts.P2 and P3, wound certificates. I find that absolutely there is no ground to interfere in the findings of the courts below which are supported by proper reasons.

The Crl.R.P is dismissed accordingly.

K.R. UDAYABHANU, JUDGE.

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